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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,149	03/05/2002	Kotaro Akutsu	03560.002997	5461
5514	7590	09/21/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			TSAI, H JEY	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2812

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,149

Applicant(s)

AKUTSU ET AL.

Examiner

H.Jey Tsai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) 10-15, 27-32, 41-46 and 54-59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 16-26, 33-40, 47-53 and 60-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restriction

This application contains claims drawn to an invention nonelected with traverse. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-8, 16-18, 20-25, 33-34, 36-39, 47-53 and 60-65 are rejected under 35 U.S.C. § 102(e) as being anticipated by Nishi 6,690,450, newly cited.

Nishi discloses a substrate processing apparatus comprising:

an alignment system 27A, 27B disposed at a position such that information regarding a

pattern arrangement of a substrate W1, W2, is obtained, fig. 3, col. 23, lines 35+,

a processing system PL disposed separately from the alignment system and used for processing a substrate, col. 25, lines 1+,

a first substrate stage 40A or 40B which is able to support a substrate and move in an xy plane,

the xy plane being a plane parallel to a direction of an arrangement between the alignment system 27A, 27B, and the processing system PL and a z axis being an axis perpendicular to the xy plane, col. 24, lines 30+,

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a second substrate stage 40B or 40A which is able to support a substrate and move in the xy plane,

position measurement systems 49AX, 49BX, 50AY to 50CY, each of which measures positions of the first and second substrate stages, col. 24, lines 17+ and col. 24, lines 35+ and col. 25, lines 60+,

wherein at least three position measurement systems 49,AX, 49BX, 50AYto 50CY are arranged for the position measurement in the x direction of the first stage and the second stage during movement of the first and second stages 40A, 40B between the processing system PL position and the alignment system 27A, 27B position and at least three position measurement systems are arranged for the position measurement in the y direction of the first stage and the second stage during movement of the first and second stages between the processing system PL position and the alignment system 27A, 27B position, at least one of the position measurement systems for the position measurement in the y direction being disposed at an opposite side of another one of the position measurement systems for the position measurement in the y direction, col. 24, lines 30+ and fig. 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 4, 9, 19, 26, 35 and 40 stand rejected under 35 U.S.C 103 as being unpatentable over Li as applied to claims 1-3, 5-8, 16-18, 20-25, 33-34, 36-39, 47-53 and 60-65 above, and further in view of Mizutani 2001/0055117, Inoue 2002/0063856 and Li, 6,417,914, all are previously cited.

The difference between the references applied above and the instant claim(s) is: Nishi teaches using main and wafer stage control system to obtain operational information and controlling the movement of the wafer stages and process (exposing) and aligning but does not teaches using a display monitor and using the data for maintenance purposes.

However, Mizutani and Inoue teach at para. 68 and 81, respectively that using waveform signal, microscope and optical image. And, Li teaches rotating the wafer stage around the z-axis, col. 12, lines 45+, driving means of wafer stages, col. 11, lines 50+, software network 90/91, col. 10, lines 23+.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above references' teachings with a display screen to display images and optical information as taught by Mizutani, Inoue and Li because optical image and information can be used to monitor, aligning, process the wafers and using for maintenance data.

Applicant's arguments filed June 21, 2004 have been fully considered but they are not persuasive. Because newly cited reference Nishi teaches position measurement systems each of which measures positions of the first and second substrate stages as set forth above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or clerical matters or relating to the status of this application or proceeding should be directed to the Group customer service whose telephone number is (703) 308-4357 and Fax number (703) 872-9306.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to H. Jey Tsai whose telephone number is (571) 272-1684. The examiner can normally be reached on from 7:00 Am to 4:00 Pm., Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Niebling can be reached on (571) 272-1679. The fax phone number for this Group is (703) 872-9306.

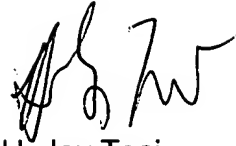
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7/19/04

A handwritten signature in black ink, appearing to read 'H. Jey Tsai', with a stylized, cursive script.

H. Jey Tsai
Primary Examiner
Patent Examining Group 2800